## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLEMENT BROWN,	) No. C 08-5242 JSW (PR)
Petitioner,	ORDER OF TRANSFER
vs.	) ORDER OF TRENOTER
ROBERT W. AYERS, JR., Warden,	
Respondent.	

Petitioner is a state prisoner currently incarcerated at the California Substance Abuse Treatment Facility, located in Corcoran, California, within the venue of the United States District Court for the Eastern District of California. On November 19, 2008, Petitioner filed this petition regarding two disciplinary hearing reports for contraband that he was issued in 2006, which he contends violate his due process rights and will continue to affect his parole suitability determinations before the Board of Parole Hearings. Petitioner has paid the filing fee.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. See 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. See id. However, if the petition is directed to the manner in which a sentence is being executed, e.g., if it involves parole or time credits claims, the district of confinement is the preferable forum. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249

(9th Cir. 1989).

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Petitioner's claims are directed to the execution of sentence, in that they involve the manner in which his sentence is executed, specifically, disciplinary proceedings he was subjected to in prison. Although he names as a Respondent the Warden of San Quentin State Prison where he was previously incarcerated, the petition reflects that he is currently incarcerated in the Eastern District of California. Therefore, this Court will transfer this action to the United States District Court for the Eastern District of California. Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court for the Eastern District of California forthwith.

IT IS SO ORDERED.

DATED: January 26, 2009

JEFFREY S. WHITE United States District Judge

1	UNITED STATES DISTRICT COURT	
2	FOR THE	
3	NORTHERN DISTRICT OF CALIFORNIA	
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6	CLEMENT BROWN, Case Number: CV08-05242 JSW	
7	Plaintiff, CERTIFICATE OF SERVICE	
8	v.	
9	ROBERT AYERS JR et al,	
10	Defendant.	
11		
12	I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.	
13	That on January 26, 2009, I SERVED a true and correct copy(ies) of the attached, by placing	
14	said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office	
15	delivery receptacle located in the Clerk's office.	
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17	Clement Brown	
18	P.O. Box 5248 D19013	
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20	Dated: January 26, 2009  Dated: W. Wielsing, Clark	
21	Richard W. Wieking, Clerk By: Jennifer Ottolini, Deputy Clerk	
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